

# **SMALL CLAIMS FILING PACKET**

## **SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONO**

### **NORTH COUNTY BRANCH**

State Hwy. 395 North  
P.O. Box 537  
Bridgeport, CA 93517  
(760) 932-5239

### **SOUTH COUNTY BRANCH**

452 Old Mammoth Rd.  
P.O. Box 1037  
Mammoth Lakes, CA 93546  
(760) 924-5444

### **GENERAL INFORMATION**

You may file an unlimited number of claims for \$2,500 or less, during any calendar year. You may file two claims for up to \$5,000 per calendar year. The cost of filing a case is \$22.00, unless you have filed 12 or more cases in the previous 12 months, then the filing fee is \$66.00 per case. If you are a business that uses a fictitious business name, you must also file an SC-103 form. The form is available at the court clerk's office or at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms). The procedures relating to small claims cases are found in the Code of Civil Procedure, (CCP) Sections 116.110 through 116.950. These statutes can be found online at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html). For information about who must appear at the small claims hearing, see CCP section 116.540 and use form SC-109 in appropriate cases.

### **EXAMPLES OF CASES HEARD IN SMALL CLAIMS**

Car accidents, vehicle sales, car repair, contract disputes, fence disputes, landlord/tenant dispute, personal injury, property damage, theft, trespass, etc.

### **SERVICE ON DEFENDANT**

The defendant must be served with the "Plaintiff's Claim and Order to Defendant" (form SC-100) at least 15 calendar days before the trial date (20 days if the defendant is located outside the county where the case has been filed). See CCP 116.340(b). Service must be done by one of the following three methods:

1. **CERTIFIED MAIL SENT BY THE COURT** (CCP 116.340(a)(1)) \$8.00 fee for service PER defendant. The named defendant is usually required to sign the return receipt. You can check on the status of the service by calling the court. This method is best used when serving the "Agent for Service of Process" of a corporation or a limited liability company. For more information relating to the "Agent for Service of Process" of a business entity see <http://kepler.ss.ca.gov/list.html>
2. **PERSONAL SERVICE** (CCP 116.340(a)(2)) Service can be done by a registered process server, or by a Sheriff/Marshal, or by anyone at least 18 years old that is not a party to the action. If you are using someone other than a Sheriff or registered process server, ask the court clerk for a "Proof of Service" form (SC-104) or get one at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms). The proof of service should be filed with the court at least 5 days before the hearing.
3. **SUBSTITUTE SERVICE** (CCP 116.340(a)(3)) Service can be done by the same individuals as in personal service. The defendant is served by leaving a completed Form SC-100 at the defendant's residence or place of business with a person over the age of 18, and by then mailing (first-class mail) another copy to the defendant at the same address where the substitute person was given the SC-100 form. (If done at the defendant's place of business, the SC-100 must be delivered to the person apparently in charge of the business with an explanation of what was delivered) When serving a small claims action by this method, there is no need to attempt personal service first. Service on defendant is not completed until 10 calendar days after the date of mailing occurs. Ask the clerk for a "Proof of Service" form (SC104 & SC104A). See Code of Civil Procedure section 415.20.

### **RESETTING THE COURT DATE IF MORE TIME IS NEEDED TO SERVE THE DEFENDANT**

If you have not served any defendant within the required time, you may request a new trial date. This request may be made either in writing or by appearing in person at the small claims counter. The request must be received by the court at least 3 court days prior to the scheduled trial date. There is no fee for resetting a hearing date due to lack of service.

### **POSTPONEMENT OF A HEARING DATE AT THE REQUEST OF EITHER PARTY (CCP section 116.570)**

If any defendant has been served, a party must request a postponement in writing, stating a good reason, and accompanied by a \$10.00 fee. The requesting party must show proof that a copy of the request has been mailed or delivered to all parties in the case. The request must be received by the court at least 10 calendar days in advance of the hearing date. If your request is denied and your case is dismissed you may file a motion to vacate (See CCP Section 116.720) or file a new case. (Forms SC-110 "Request to Postpone Small Claims Hearing" and SC-111 "Order on Request to Postpone Small Claims Hearing" are available on the Internet at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) or at the above court addresses for your use. These forms are optional.

### **ANY QUESTIONS?**

**Legal advice is available through the Mono County Small Claims Legal Advisory at 1-866-768-9013.** You can leave a voice message for the Small Claims Legal Advisor, Scott Reep, Esq. and expect a return phone call during the hours of 9am-5pm within the next two business days. Faxes can be received at the same number. Mail is received at P.O. Box 1542, Benicia, CA 94510-4542 and e-mails can be sent to [sdrlo@onebox.com](mailto:sdrlo@onebox.com). Additional helpful information can be found at [www.courtinfo.ca.gov/selfhelp/smallclaims/](http://www.courtinfo.ca.gov/selfhelp/smallclaims/)

Court Clerks are not allowed to answer legal questions. All correspondence to the small claims court must contain the case number and show that a copy was sent to all parties in the case.